

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments the following commentary.

I. Claims Status

Claims 1 and 5-10 have been amended, with ample support in the original specification, *e.g.* at page 37, lines 10-20 and Example 3. Claim 2 is cancelled and replaced by claim 27. Claims 11 and 12 were previously cancelled. Claims 13-26 are added to correct multiple dependency, with support in the original claims. Upon entry of this amendment, claims 1, 3-10 and 13-27 will be pending.

II. Objection to the Specification

The Examiner objected to the specification for use of hyperlinks. The specification has been amended to delete the hyperlinks. Applicants respectfully request withdrawal of the objection.

III. Claims Objection

The Examiner objected to claims 2-4 for allegedly failing to limit the subject matter of the base claim and to claims 5-10 for improper multiple dependency. The claims in question have been amended to comport with the requirements. Applicants believe that the basis for the objection has been obviated, therefore, the objection should be withdrawn.

IV. Rejection of Claim under 35 USC §112, Second Paragraph

The Examiner rejected claim 1 as being indefinite for recitation of "which exists." Claim 1 has been amended to recite "which consists of." Applicants respectfully request withdrawal of the rejection.

V. Rejection of Claims under 35 USC §102

The Examiner rejected claims 2 and 3 for alleged anticipation by Goldenberg *et al.* and claim 4 for alleged anticipation by Lim *et al.*, respectively. Applicants respectfully traverse the rejection.

Both Goldenberg and Lim teach a cold shock *cspA* promoter from *E. coli*, a prokaryote, which is distinguished from a cold-inducible promoter from yeast, a eukaryote, as recited in claims 2-4. Accordingly, the claims in question are not anticipated by the cited references. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned directly, should he feel that any issue warrants further consideration.

Respectfully submitted,

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By S. A. Best

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Best
Attorney for Applicant
Registration No. 29,768

The Commissioner is hereby authorized to charge any additional fees, which may be required regarding this application under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extensions of time are needed for timely acceptance of submitted papers, Applicants hereby petition for such extension under 37 CFR §1.136 and authorize payment of any such extensions fees to deposit account.